



TOWN OF MANSFIELD  
**COMMUNITY QUALITY OF LIFE COMMITTEE**

Thursday, January 22, 2009

7:00 P.M.

**Mansfield Public Library  
Buchanan Auditorium**

**Approved Meeting Minutes**

**Members present:** Helen Koehn (chair), Michael Beal, Joseph Briody, Bruce Clouette, Jane Fried, Denise Keane, David Morse, Stephen Rhodes, Dana White

**Staff:** Matthew Hart, Curt Hirsch, John Jackman, Sgt. James Kodzis, Michael Nintean, Gregory Padick

1. The meeting was called to order at 7:02 p.m..
2. B. Clouette was appointed recording secretary.
3. J. Fried moved approval of the December 11, 2008 Minutes, seconded by M. Biel. H. Koehn called for greater detail in the minutes. D. Morse passed out a page of additions (attached) and moved that the additions be added to the minutes, seconded by D. Keane. S. Rhodes recommended a change in wording in the first paragraph: "University's need for student housing" to "University student community." Accepted as a friendly amendment. J. Fried recommended that the minutes record the major actions and events of the meeting, but not attempt to record dialogue. D. Keane suggested the minutes should include the fact that there was public comment. B. Clouette spoke against accepting the minutes as amended. The approval of the minutes failed.

J. Fried moved, seconded by B. Clouette, that the minutes should be re-edited and circulated to the membership prior to the next meeting. Passed.

4. **Opportunity for Public to Address the Committee:** No comments
5. **Chairperson's Report**

H. Koehn reported that she had developed the agenda for the meeting in consultation with Matt Hart, and asked Matt to provide a report.

M. Hart noted his communications with the University's Student Life Committee of the Board of Trustees and said he would email the committee with the date of the next meeting.

## **6. Presentation re: Zoning Enforcement and Off-campus Housing**

G. Padick, C. Hirsch, and M. Nintean gave a presentation on the zoning aspects of neighborhood quality of life, especially as relates to the present definition of "family" as including no more than four unrelated persons. Key points about zoning regulations:

- Zoning is only one of several approaches to quality of life issues.
- Zoning changes involve a highly structured process that includes public hearings and actions by the Planning and Zoning Commission.
- Zoning changes always exempt pre-existing "non-conforming" use; the exemption applies to the property itself not the owner (in response to a question from H. Koehn).
- Most of Mansfield is a RAR-90 zone for single-family houses; that zone also allows for efficiency units and (for houses > 20 years old), two additional units provided that the owner lives in one. Multi-family housing is by special permit. The Plan of Conservation and Development recognizes the need for multi-family housing in the vicinity of the University where there is appropriate infrastructure, but there is no explicit multi-family zone on the zoning map (in response to a question by S. Rhodes)
- One point of view is that more multi-family housing would decrease the pressure for conversion of single family homes to student apartments.
- The current definition of family in the regulations needs to be considered for revision, as it is antiquated. In consultations with Dwight Merriam, land-use legal expert, it was learned that there is little case law to guide such a definition. S. Rhodes questioned whether the definition of "family" was so problematic that it would be better to concentrate on strategies other than zoning. J. Fried urged that attention be paid to other aspects, such as parking. G. Padick, in a response to a question from H. Koehn, urged that a single definition of family be used in both zoning regulations and town ordinances.
- M. Nintean reported that in a survey of other towns (10 responses), there appeared to be little success using zoning changes to address quality of life issues,
- G. Padick stressed that any changes, such as a special permit for housing of unrelated individuals, would have to be very clear and predictable, not subjective in any way, so as to hold up in court against a challenge based on arbitrariness.
- G. Padick reported on the "Ponde Place" proposal for 600+ bed apartment complex. The University has approved sewer and fire-protection water for the complex subject to a number of conditions, including town approvals. An Environmental Review

Team is studying the impacts of the project, has completed the field visit, and will be reporting shortly. Application for town approval will be coming this Spring. J. Fried asked if approval of such projects was coordinated with the University's enrollment projections; answer was no. B. Clouette asked if any market considerations could enter into the zoning approval process; answer was no.

C. Hirsch passed out a list of "Locations of Special Interest" related to possible zoning enforcement issues. He made the following points in regard to zoning enforcement

- Many solutions devised by other municipalities are not necessarily applicable to our situation due to our rural setting, state statute, etc.
- Zoning investigations are triggered by housing inspections as well as by complaints.
- The Zoning Agent proceeds by observing the number of cars at multiple times, particularly early morning, in deciding whether there is evidence of a violation of the number of occupants regulation. Other types of evidence are virtually impossible to obtain.
- Violations heard in court rarely result in anything beyond an admonishment from the judge.
- In response to an inquiry by J. Briody, C. Hirsch reported that there had been issued about 80 notices of violation in the last 5 years, with about 40 resulting in a citation. In response to a question by B. Clouette, C. Hirsch stated that the fine for a violation was not calculated on a per day basis but for each citation. Then the process of notice of violation/citation starts over. One landlord has received (and paid) 7 citations, at \$150 each. J. Fried commented that zoning and zoning enforcement did not seem to be a fruitful avenue to change. H. Koehn suggested a parking regulation that would compile a list of names and vehicle registrations.

M. Nintean then commented on the Housing Code/Landlord registry:

- The definition of "family" is important because it triggers several aspects of regulating housing.
- The Housing Code could specify the type, location, and number of parking places.
- A system of parking passes for residents and visitors, in connection with a tenant registry, could be instituted. The program could recover all or a part of its costs through fees.

## **7. Amendment to Special Police Services Ordinance**

J. Jackman distributed a proposed amendment to town ordinances that would allow the town to recover costs for police and emergency services if called to a particular address more than once for a single event. The revision is not intended to cover the case of multiple calls over a period of time but does not preclude another revision to address

that issue. The proposed revisions would also be distributed to the next meeting of the town council. B. Clouette asked that the revision be discussed at the next meeting of the committee and recommendations forwarded to the council for its consideration.

#### **à Approval of Minutes**

B. Clouette asked if the chair would waive the requirement of Motion to Reconsider and accept a motion regarding the approval of the minutes. H. Koehn agreed. B. Clouette moved, seconded by J. Fried, 1) that the minutes of December 11, 2008 be accepted as prepared, 2) that the additions proposed by D. Morse be appended as a formal part of the record, titled "Comments on the Minutes of December 11, 2008," and 3) that subsequent minutes also include such comments on the minutes as members may choose to share as part of the record. D. Keane asked that the motion be amended to include the addition of Public Comments, which was accepted as a friendly amendment. Motion passed.

#### **8. Communications**

- a) M. Hart re: Lynwood/Farmstead Road
- b) Proposed Changes to the Housing Code Sewer and Water Provisions
- c) SAITSA National News "City Unveils New Bylaws to Curb Noise, Overcrowding" – 12-03-08
- d) University Area Neighborhood Task Force Report to West Chester Borough Council

#### **9. Preparations for Next Meeting/Next Steps**

M. Hart suggested next hearing from law enforcement and the University's off-campus housing office. D. Keane suggested adding the Health District to a future agenda. J. Fried urged that presentations be shorter and more succinct and that written materials be distributed ahead of time. H. Koehn suggested that the format of the minutes be discussed at a future meeting.

#### **10. Opportunity for Public to Address the Committee**

Henry Krisch urged the committee to consider the issues raised in the first communication.

#### **11. Adjournment**

The meeting adjourned at 9:25.